HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 858 OF 2005

APPELLANT CLAIMANT

Smt. Dhanwanti Devi w/o Shri Sureshwar Singh, aged about 56 years, Occupation - Agriculture, r/o village Kantida, P.S. & Tehsil Lakhanpur, District Surguja, C.G.

Versus

RESPONDENTS NON-APPLICANTS

1. Ram Prakash s/o Jairoop, Ram, aged about 27 years, Occupation Agriculture, r/o village Turna, P.S. Darima, Tehsil Ambikapur, District Surguja, C.G. (Driver)
2. Suresh Chandra Singh s/o Shri Girwar Singh, aged about 42 years, Occupation - Agriculture, r/o village / P.S. Jainagar, Tehsil Surajpur, District Surguja, C.G.
3. The Oriental Insurance Co. Ltd. Through Branch Manager, The Oriental Insurance Co. Ltd. Ambikapur, District Surguja, C.G. (Insurer)

Present:
Mr. A.K. Prasad, learned counsel for the appellant.

ORAL ORDER
(Passed on 13th of December 2006)

The following order of the court was passed by

S.R. Nayak, CJ.

Undisputed facts are simple and straightforward and they are:

The vehicle of the appellant, according to the appellant, was driven by an un-authorized person, not his driver and in the process, he caused the accident resulting in damage to the vehicle of the appellant and injury to the other claimant. In the circumstances of the case, according to us,

quite rightly the MACT did not fasten the liability to pay compensation towards damage to the vehicle on the Insurance Company. Being aggrieved by the award of the Tribunal, the appellant has preferred this appeal contending that the MACT ought to have fastened the liability on the Insurance Company to pay the damages / compensation to the appellant.

Having heard learned counsel for the appellant for considerable time, we cannot take any exception to the award made by the MACT. It is in accordance with law. If damage is caused to the vehicle due to un-authorized interference by the third party, it is for the appellant/owner to workout his legal remedies before the jurisdictional Civil Court and recover the damages. The appeal is dismissed accordingly. There shall be no order as to costs.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge